

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BLACKSTONE INTERNATIONAL, LTD.,
a Maryland corporation,

Plaintiff,

v.

E2 LIMITED, a Hong Kong company;
COLLIN CARPENTER, individually and
on behalf of his marital community; BIG
BOX SALES & MARKETING, INC.; a
Washington corporation; TECHNOMATE
MANUFACTORY, LTD.,

Defendants.

CASE NO. 2:20-CV-001686-RSM

**STIPULATED MOTION AND
ORDER TO TEMPORARILY FILE
UNDER SEAL**

**NOTE ON MOTION CALENDAR:
Friday, March 26, 2021**

Pursuant to LCR 5(g)(2)(B), Plaintiff Blackstone International, Ltd. (“Blackstone”) and Defendants E2 Limited (“E2”), Collin Carpenter (“Carpenter”), and Technomate Manufactory, Ltd. (“Technomate”), stipulate and move this Court for leave to file certain documents under temporary seal, as follow:

STIPULATION

1. This action was originally filed in King County Superior Court (“State Court”) against un-named defendants “John Doe” and “Doe Entity.” *See* Complaint [Dkt.#19-1].

2. “In order to facilitate the efficient and cost-effective production of documents in

1 response to subpoenas issued by [Blackstone] to Collin Carpenter, Big Box Sales & Marketing
 2 Inc., and Costco Wholesale Corporation..., and to establish a protocol for the submission of
 3 confidential information to the Court,” the State Court entered a Protective Order. *See* Dkt.#19-
 4 59.

5 3. In response to subpoenas, non-party Costco Wholesale Corporation (“Costco”)
 6 and then non-party Carpenter produced certain documents, which they designated as “HIGHLY
 7 CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or “CONFIDENTIAL.” Blackstone has
 8 disputed those designations.

9 4. Subsequently, this action was removed to this Court, and currently pending before
 10 the Court are two motions to dismiss for lack of personal jurisdiction filed by Defendants E2 and
 11 Technomate: (1) Defendant Technomate filed a Motion to Dismiss First Amended Complaint for
 12 Lack of Personal Jurisdiction [Dkt. #21] (“Technomate’s Motion to Dismiss”); and (2)
 13 Defendant E2 filed a Motion to Dismiss First Amended Complaint for Lack of Personal
 14 Jurisdiction, and in the Alternative, to Compel Arbitration [Dkt. #24] (“E2’s Motion to
 15 Dismiss”).

16 5. In support of its opposition to Technomate’s Motion to Dismiss and E2’s Motion
 17 to Dismiss, Blackstone intends to file certain documents that either Carpenter or Costco
 18 previously designated as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” or
 19 “CONFIDENTIAL.”

20 6. Although Blackstone continues to dispute the designations, absent agreement by
 21 Carpenter and Costco, Blackstone is required to file the designated documents under seal based
 22 on the designations by Carpenter and Costco.

23 7. CERTIFICATION PURSUANT TO LCR 5(g)(3)(A): The parties hereby certify
 24 that they have met and conferred in an attempt to reach agreement on the need to file the
 25 designated documents under seal, to minimize the amount of material filed under seal, and to
 26 explore redaction and other alternatives to filing under seal.

27 8. Specifically, on March 24, 2021, the parties met and conferred pursuant to LCR

5(g)(3)(A). The meet-and-confer was conducted by telephonic conference and was attended by (among others) counsel for Blackstone (Christopher M. Huck), and counsel for the Defendants and Costco (Frederic G. Ludwig). During their meet-and-confer, the parties discussed a protocol and procedure for temporarily filing under seal, so that counsel for Carpenter and Costco would then have the opportunity to review the materials and decide whether to (a) remove the designations and agree that the documents did not need to be maintained under seal; (b) identify portions of the materials that could be filed with redactions; and/or (c) file their own motion to seal (in whole or redacted portions) pursuant to the requirements of LCR 5(g) and, particularly LCR 5(g)(3)(B).

9. Accordingly, pursuant to the parties' stipulation, and subject to the Court's approval, the parties specifically agree on the following protocol for temporarily filing under seal:

- a. On March 26, 2021, and in conformity with LCR 5(g)(2)(B) and LCR 5(g)(4), Blackstone will file the documents that have been designated by Carpenter or Costco as "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" or "CONFIDENTIAL," as well as its opposition brief that references and quotes from such documents, under temporary seal. Blackstone will concurrently provide unsealed copies to counsel for Carpenter and Costco.
- b. On or before April 2, 2021, Carpenter and Costco will (a) identify which documents Carpenter and/or Costco believe need to be maintained under seal and/or redacted; (b) identify the portions of Blackstone's opposition brief that Carpenter and/or Costco believe needs to be redacted (if any); and (c) file their own motion to seal (in whole or redacted portions) pursuant to the requirements of LCR 5(g) and, particularly LCR 5(g)(3)(B).
- c. The party or parties requesting that the materials remain under seal (*i.e.*, Carpenter and/or Costco), will bear the burden to establish good cause for such

1 motion, including the content specified in LCR 5(g)(3)(B). Blackstone further
2 reserves the right to oppose any such motion to maintain the materials under seal.
3
4

5 **SO STIPULATED** this March 26, 2021.
6

7 By: /s/ Christopher M. Huck
8 Christopher M. Huck
(WSBA No. 34104)

9 /s/ Kit W. Roth
10 Kit W. Roth
(WSBA No. 33059)

11 /s/ R. Omar Riojas
12 R. Omar Riojas
(WSBA No. 35400)

13 **Goldfarb & Huck Roth Riojas, PLLC**
14 925 Fourth Avenue, Suite 3950
Seattle, WA 98104
15 Phone: 206-452-0260
Email: huck@goldfarb-huck.com

16 /s/ Paul. R. Gieri
17 Paul R. Gieri (admitted pro hac vice)
(paul.gieri@prgierillc.com)
18 **P.R. GIERI LLC**
19 6701 Democracy Blvd Suite 300
Bethesda, Maryland 20817
Phone: (860) 235-6314

20 Attorneys for Plaintiff
21 Blackstone International Ltd.
22
23
24
25
26
27

By: /s/ Fredric G. Ludwig, III
Fredric G. Ludwig
(admitted pro hac vice)

Ludwig, APC
12463 Rancho Bernardo Road, No. 532
San Diego, CA 92128
Phone: 619-929-0873
Email: fredrick.ludwig@ludwigiplaw.com

/s/ Thomas B. Vertetis
Thomas B. Vertetis
**PFAU COCHRAN VERTETIS AMALA,
PLLC**

/s/ Christopher E. Love
Christopher E. Love
**PFAU COCHRAN VERTETIS AMALA,
PLLC**

By: /s/ Andrew J. Kubik
Andrew J. Kubik
LUDWIG APC

Attorneys for Defendants
E2 Limited, Collin Carpenter, and
Technomate Manufactory, Ltd.; and
Non-Party Costco Wholesale Corporation

ORDER

Pursuant to the above Stipulated Motion, **IT IS SO ORDERED.**

DATED this 29th day of March, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF system on March 26, 2021 and was served via the Court's CM/ECF system on all counsel of record.

DATED this March 26, 2021.

/s/ Christopher M. Huck

Christopher M. Huck, WSBA No. 34104